

Remarks

Applicant has carefully reviewed the rejection of the elected Claims 1-12 as being fully anticipated under 35 U.S.C. 102(b). Claims 1 and 3 have been amended to more clearly define Applicant's invention. Applicant has also amended withdrawn Claim 17 as suggested by the Examiner, as well as withdrawn Claims 15 and 16 to overcome obvious typographical errors therein in an effort to expedite prosecution of the case.

Applicant's present invention involves a tool box for a pickup truck having a lower housing that can be collapsed into an upper housing, thus permitting many such boxes to be shipped domestically and internationally in compatible sized shipping containers, thereby decreasing the shipment costs. To accomplish this beneficial feature, a frame is provided in the floor of the upper housing having a flange that slidably mates with a companion flange in the lower housing so that the lower housing can move from an extended position to a retracted position wherein the floor of the lower housing is substantially in coplanar relationship with the floor of the upper housing. As clearly illustrated in Figure 4 of the present application, this arrangement allows for almost complete retraction of the lower housing into the upper housing.

The cited reference to Del Monico et al. involves a collapsible shelter suitable for mounting upon the open bed of a truck. The shelter includes a lower open frame 28 having opposed sidewalls 34 and 36 and opposed end walls 38 and 48 that are bolted together in assembly. The side walls of the lower frame are each provided with a lower bolting frame 84 that is bolted to the raised sidewalls of the truck bed. The lower frame does not include a bottom wall and the floor of the truck bed is used in assembly to provide flooring for the shelter.

An upper frame 18 contains lower flanges that mate with upper flanges provided in the lower frame and the two frames are bolted together to support the upper frame of the shelter in a raised position. The upper frame contains a roof 20. The upper frame is unbolted from the lower frame to permit the upper frame to slide down over the lower frame a limited

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distance when it is necessary to transport the truck in an aircraft or any other transport vehicle having limited headroom. As clearly shown in the reference, the upper frame does not substantially encompass all of the lower frame when it is lowered into a retracted position. It should be further noticed that the reference shelter encloses the entire bed of the truck, thus severely limiting the usability of the truck open bed.

It is also important to note that the upper section of the reference shelter is mounted upon the lower section of the shelter and is not supported upon the sidewall of the bed. In addition, because the lower section of the reference shelter overlies the sidewalls of the bed, the lower section of the shelter cannot be positioned inside the bed when the shelter is in an extended or raised position. Accordingly, the apparatus of the referenced patent is both structurally and functionally different when compared to that claimed by the Applicant.

For reasons stated above, it is believed that Claims 1-12 as amended clearly define over the prior art and the Examiner is respectfully urged to pass this case to allowance. It is further believed that Claim 1 as amended is generic and, accordingly, the non-elected claims that depend from Claim 1 should also be found allowable.

If the Examiner believes that contact with applicants' attorney would be advantageous toward the disposition of this case, the Examiner is herein requested to call applicants' representative at the phone number listed below.

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The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to deposit Account No. 50-0289.

Respectfully submitted,

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